IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 721 of 1989

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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PROF. R K PATEL - Petitioner
Versus
STATE OF GUJARAT & 1 - Respondents

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Appearance :
MR DHAVAL D VYAS for Petitioner.
MR LB DABHI, A.G.P. for Respondent No. 1.
RULE NOT RECD BACK for Respondent No. 2.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 08/02/2006

ORAL JUDGMENT

1.The petitioner has filed this petition under Article 226 of the Constitution of India praying for the direction to the respondent No. 1 to decide the question about the correct date of birth of the petitioner forthwith.

2.The petition was admitted and rule was issued on 04.12.1990. This Court has passed further order on 12.04.1991 and by way of interim relief, the Court has directed that the respondent No. 1 should take up the representation of the petitioner as regards the correction of the date of birth of the petitioner in the service record, pursuant to the letter dated 03.10.1985 produced at annexure C to the petition. The Court has further directed that this decision shall be taken latest by 30.06.1991. The Court has further observed that the petitioner shall be

entitled to be heard on this aspect before the decision is taken, the decision so taken was directed to be placed on the record of this petition by 08.07.1991.

3.It appears from the record that no such decision is placed on record. Mr. Dhaval D. Vyas, learned advocate appearing for the petitioner submits that he could not contact his client and it is not known as to whether the representation is decided or any decision is taken. Be that as it may, by passage of time, the petition has become infructuous. More than 16 years have passed and neither is aware about the outcome of the representation as it is not placed on the record of this petition.

4.In the above view of the matter, since the petition has become infructuous by afflux of time, the petition is disposed of as having become infructuous. It is, however, open for

the petitioner to move this Court in case of difficulty or if the need so arises in future. Rule is discharged without any order as to costs.

[K.A. PUJ, J.]

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